



California Fair Political Practices Commission

June 1, 1989



James J. Gallagher
Sonoma County Assessor
585 Fiscal Drive, Room 104F
Santa Rosa, CA 95403-2872

Re: Your Request for Advice
Our File No. A-89-270

Dear Mr. Gallagher:

This is in response to your request for advice regarding your responsibilities under the mass mailing provisions of the Political Reform Act (the "Act").¹

QUESTION

Does inclusion of your name and title, and of the name of your office in a mass mailing violate the mass mailing prohibitions of the Act?

CONCLUSION

Inclusion of your name and title and of the name of your office in a mass mailing violates the mass mailing prohibitions of the Act.

FACTS

When you assumed office in January, 1987, you initiated a public information program in the Sonoma County Assessor's Office. One element of the program consists of a card you have submitted for our review. The card describes property tax exemptions available to homeowners and it is mailed out through the office of the county recorder with each recorded deed that is returned to a new property owner. The card also includes your name and title on one

¹ Government Code Section 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

side and the name and telephone number of your office on the other side. Approximately 28,000 deeds were recorded in your county during 1988. You believe this mailing is essential to inform property owners of tax relief benefits administered by the assessor's office.

ANALYSIS

Section 89001 prohibits mass mailings at public expense. A mass mailing consists of 200 or more substantially similar pieces of mail sent in any one calendar month. (Section 82041.5, Regulation 18901(d), copy enclosed.) The card you have submitted for our review constitutes a mass mailing because you mail it to new homeowners in quantities greater than 200 pieces per calendar month.

Regulation 18901, which implements the provisions of Section 89001, clarifies the prohibition as follows:

(a) Except as provided herein, a newsletter or other mass mailing is "sent at public expense" within the meaning of Government Code Section 89001 if any of the costs of design, production, printing or distribution, is paid with public moneys...

Moreover, a newsletter or other mass mailing may not be sent if: (1) The name of an elected officer or his or her photograph appears on the document and the elected officer exercises direction or control over the content, production, or distribution of the document, or (2) The document is sent at the request or suggestion of the elected officer or his or her agent, or (3) The document is signed by, or is designated as being from, the elected officer or his or her office. (Regulation 18901(c)(1).)

Inclusion of your name and title and reference to your office is also prohibited under Section (c)(2) of Regulation 18901, which prohibits mass mailings if the name, office or other reference to the elected officer appears in the document and the document is prepared or sent in cooperation with the elected officer. Because the card is prepared by your office and mailed at your request, distribution of the card violates the mass mailing prohibition of the Act.

However, mass mailings are not prohibited when they consist of legal notices and other mailings sent as required by law and any use of the elected officer's name, office, title or signature is required in the notice or other mailing. (Regulation 18901(f)(6).)

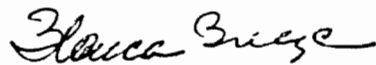
Based on the information you have provided, it appears that the mailing of the card you have submitted is not required by law. Therefore, in order to bring the card into compliance with the prohibitions of Section 89001 and Regulation 18901, you must

delete your name, title and reference to your office from the card.

I trust we have adequately addressed your inquiry. Should you have any further questions regarding this matter, do not hesitate to call me at (916) 322-5901.

Sincerely,

Kathryn E. Donovan
General Counsel

A handwritten signature in cursive script, appearing to read "Blanca Breeze".

By: Blanca M. Breeze
Counsel, Legal Division

KED/BMB:aa

Enclosure



California Fair Political Practices Commission

July 27, 1989

James J. Gallagher
Sonoma County Assessor
585 Fiscal Drive, Room 104F
Santa Rosa, CA 95403-2872

Re: Your Request for Advice
Our File No. A-89-270

Dear Mr. Gallagher:

We are in receipt of your letter of June 28, 1989, in which you request confirmation of telephone advice provided to you on June 16, 1989. Because your inquiry is a follow-up to your previous request for written advice, we incorporate by reference our letter to you, No. A-89-270, dated June 1, 1989 (copy enclosed).

This confirms that a mass mailing is not prohibited if it meets all of the following criteria:

- (1) The stationery, forms and envelopes used for the mailing are the standard stationery, forms and envelopes of your agency;
- (2) Your name appears only in the standard letterhead or logotype of the stationery, forms or envelopes of your agency;
- (3) The document does not include your photograph; and
- (4) The document does not display your signature.
(Regulation 18901(c) and (e), copy enclosed.)

You may, therefore, print the information contained in the card you have submitted for our review (copy enclosed) on your agency's stationery as long as the material makes no reference to your name or office other than in the standard letterhead of your agency.

File No. A-89-270
Page 2

Should you have any further questions regarding this matter,
do not hesitate to call me at (916) 322-5901.

Sincerely,

Kathryn E. Donovan
General Counsel



By: Blanca M. Breeze
Counsel, Legal Division

KED:BMB:plh

Enclosure



James J. Gallagher
Sonoma County
Assessor

585 Fiscal Drive
Room 104F
Santa Rosa, CA 95403-2872
(707) 527-2541

June 28, 1989

Ms. Kathryn E. Donovan, General Counsel
Fair Political Practices Commission
428 "J" Street, Suite 800
Sacramento, CA 95814

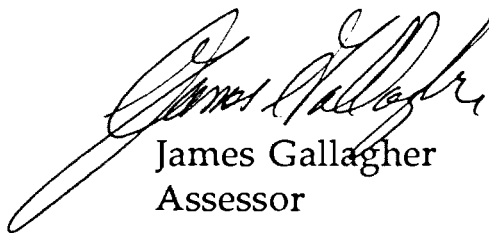
Dear Ms. Donovan:

RE: Letter A-89-270

Thank you for your response to my request for a determination on a potential mass mailing problem. My subsequent discussions with Ms. Blanca Breeze of your office clarified sections of 18901.

I would appreciate a written confirmation of the telephone advice provided to me on June 27, 1989 by Ms. Breeze regarding Sections 18901(e).

Sincerely,



James Gallagher
Assessor

JG/bb



California Fair Political Practices Commission

June 1, 1989

James J. Gallagher
Sonoma County Assessor
585 Fiscal Drive, Room 104F
Santa Rosa, CA 95403-2872

Re: Your Request for Advice
Our File No. A-89-270

Dear Mr. Gallagher:

This is in response to your request for advice regarding your responsibilities under the mass mailing provisions of the Political Reform Act (the "Act").¹

QUESTION

Does inclusion of your name and title, and of the name of your office in a mass mailing violate the mass mailing prohibitions of the Act?

CONCLUSION

Inclusion of your name and title and of the name of your office in a mass mailing violates the mass mailing prohibitions of the Act.

FACTS

When you assumed office in January, 1987, you initiated a public information program in the Sonoma County Assessor's Office. One element of the program consists of a card you have submitted for our review. The card describes property tax exemptions available to homeowners and it is mailed out through the office of the county recorder with each recorded deed that is returned to a new property owner. The card also includes your name and title on one

¹ Government Code Section 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

side and the name and telephone number of your office on the other side. Approximately 28,000 deeds were recorded in your county during 1988. You believe this mailing is essential to inform property owners of tax relief benefits administered by the assessor's office.

ANALYSIS

Section 89001 prohibits mass mailings at public expense. A mass mailing consists of 200 or more substantially similar pieces of mail sent in any one calendar month. (Section 82041.5, Regulation 18901(d), copy enclosed.) The card you have submitted for our review constitutes a mass mailing because you mail it to new homeowners in quantities greater than 200 pieces per calendar month.

Regulation 18901, which implements the provisions of Section 89001, clarifies the prohibition as follows:

(a) Except as provided herein, a newsletter or other mass mailing is "sent at public expense" within the meaning of Government Code Section 89001 if any of the costs of design, production, printing or distribution, is paid with public moneys...

Moreover, a newsletter or other mass mailing may not be sent if: (1) The name of an elected officer or his or her photograph appears on the document and the elected officer exercises direction or control over the content, production, or distribution of the document, or (2) The document is sent at the request or suggestion of the elected officer or his or her agent, or (3) The document is signed by, or is designated as being from, the elected officer or his or her office. (Regulation 18901(c)(1).)

Inclusion of your name and title and reference to your office is also prohibited under Section (c)(2) of Regulation 18901, which prohibits mass mailings if the name, office or other reference to the elected officer appears in the document and the document is prepared or sent in cooperation with the elected officer. Because the card is prepared by your office and mailed at your request, distribution of the card violates the mass mailing prohibition of the Act.

However, mass mailings are not prohibited when they consist of legal notices and other mailings sent as required by law and any use of the elected officer's name, office, title or signature is required in the notice or other mailing. (Regulation 18901(f)(6).)

Based on the information you have provided, it appears that the mailing of the card you have submitted is not required by law. Therefore, in order to bring the card into compliance with the prohibitions of Section 89001 and Regulation 18901, you must

delete your name, title and reference to your office from the card.

I trust we have adequately addressed your inquiry. Should you have any further questions regarding this matter, do not hesitate to call me at (916) 322-5901.

Sincerely,

Kathryn E. Donovan
General Counsel

A handwritten signature in cursive script, reading "Blanca Breeze".

By: Blanca M. Breeze
Counsel, Legal Division

KED/BMB:aa

Enclosure



James J. Gallagher
Sonoma County
Assessor

585 Fiscal Drive
Room 104F
Santa Rosa, CA 95403-2872
(707) 527-2541

May 2, 1989

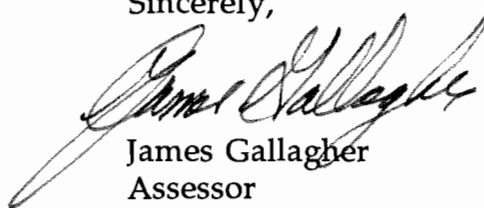
Kathryn E. Donovan, General Counsel
Fair Political Practices Commission
428 "J" Street, Suite 800
Sacramento, CA 95814

Dear Ms. Donovan:

When I assumed office in January, 1987, I initiated a public information program in the Sonoma County Assessor's Office. One element of the program is the enclosed card which describes property tax exemptions. I made arrangements with the County Recorder to enclose a card with each recorded deed that is returned to a new property owner. Approximately 28,000 deeds were recorded in our county last year. I believe this mailing is essential to inform property owners of tax relief benefits administered by the Assessor's office.

It has recently come to my attention that this card may be considered a mass mailing. I would appreciate your opinion. I have suspended the mailings until I hear from you.

Sincerely,



James Gallagher
Assessor

JG/bb

cc: Richard Flores, Sonoma County Counsel
Blanca Breece, Counsel FPPC



California Fair Political Practices Commission

May 5, 1989

James Gallagher
Sonoma County Assessor
565 Fiscal Drive, Room 104F
Santa Rosa, CA 95403-2872

Re: Leter No. 89-270

Dear Mr. Gallagher:

Your letter requesting advice under the Political Reform Act was received on May 4, 1989 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Blanca Breeze an attorney in the Legal Division, directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Code of Regs. Sec. 18329).)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

Kathryn E. Donovan
General Counsel

KED:plh



James J. Gallagher
Sonoma County
Assessor

585 Fiscal Drive
Room 104F
Santa Rosa, CA 95403-2872
(707) 527-2541

June 28, 1989

Ms. Kathryn E. Donovan, General Counsel
Fair Political Practices Commission
428 "J" Street, Suite 800
Sacramento, CA 95814

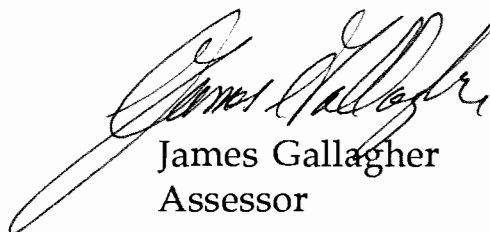
Dear Ms. Donovan:

RE: Letter A-89-270

Thank you for your response to my request for a determination on a potential mass mailing problem. My subsequent discussions with Ms. Blanca Breeze of your office clarified sections of 18901.

I would appreciate a written confirmation of the telephone advice provided to me on June 27, 1989 by Ms. Breeze regarding Sections 18901(e).

Sincerely,


James Gallagher
Assessor

JG/bb



California Fair Political Practices Commission

July 6, 1989

James Gallagher
Sonoma County Assessor
585 Fiscal Drive, Room 104F
Santa Rosa, CA 95403-2872

Re: Letter No. 89-393

Dear Mr. Gallagher:

We received your letter requesting confirmation of advice under the Political Reform Act on June 30, 1989. Your letter has been assigned to Blanca Breeze for response. If you have any questions, you may contact her directly at (916) 322-5901.

If the letter is appropriate for confirmation without further analysis, we will attempt to expedite our response. A confirming response will be released after it has gone through our approval process. If the letter is not appropriate for this treatment, the staff person assigned to prepare the response will contact you shortly to advise you. In such cases, the normal analysis, review and approval process will be followed.

You should be aware that your letter and our response are public records which may be disclosed to any interested person upon receipt of a proper request for disclosure.

Sincerely,

Kathryn E. Donovan
General Counsel

KED:plh:confadv1